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To: Examiner John D. Lee	From: Michael J. Urbano Intellectual Property Attorney
Location: USPTO (Art Unit 2874)	Location: 1445 Princeton Drive Bethlehem, PA 18017-9166
Phone No: (571)-272-2351	Phone No.: 610-691-7710 Fax No: 610-691-8434
Fax No: (703)-872-9306	Subject: Application SN 10/812,328 Belyanin 1-114-29-1-2-10-43

COMMENTS ON EXAMINER'S REASONS FOR ALLOWANCE

Commissioner for Patents
Examiner John D. Lee

Mr. Lee:

The attached paper contains Applicants' comments on the "Examiner's Statement of Reasons for Allowance" in the above-captioned patent application..

Respectfully,



Michael J. Urbano
Attorney for Applicant(s)
Reg. No. 24,522

Cc: John F. McCabe, Esq.

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Belyanin 1-114-29-1-2-10-43
Serial No. 10/812,328

IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE

Patent Application

Inventors(s): Alexey Belyanin
Alfred Yi Cho
Claire F. Gmachl
Oana Malis
Milton L. Peabody
Arthur Mike Sergeant
Deborah Lee Sivco

Case: 1-114-29-1-2-10-43

Serial No.: 10/812,328

Group Art Unit: 2874

Filing Date: March 29, 2004

Examiner: John D. Lee

Title: Phase Matched Parametric Light Generation
in Monolithically Integrated Intersubband Optical Devices

THE COMMISSIONER OF PATENTS AND TRADEMARKS
ALEXANDRIA, VA 22313-1450

SIR:

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

In the Notice of Allowability of April 1, 2005, the Examiner made the following statement, *inter alia*, in his Reasons for Allowance:

...The prior art also fails to disclose or suggest such a waveguide-based device wherein...such phase matching width is *equal to* the ridge width of the waveguide. Claims 1-16 herein are therefore allowed. (Emphasis added)

Although Applicant agrees with the Examiner's general grounds for allowance of claims 1-16, he must take issue with some of the language used, to the extent that the problem language is inconsistent with independent claims 1 and 16. More specifically, the phrase *equal to* presents the following problem: the phase matching width, as recited in claim 1, line 18 and claim 16, line 31, *need not* be strictly *equal to* the ridge width. Rather, these claims require only that "said ridge width is *essentially equal to* said phase matching width." (Emphasis added)

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